



**Stakeholder Update for Amended Agreement State**  
**Status - Uranium Mills and Tailings**  
**Utah Division of Radiation Control**  
**Utah Department of Environmental Quality**  
**Update #5 - April 24, 2002**

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**Purpose:** This is a series of updates to be provided to stakeholders interested in following the process of the Division of Radiation Control's efforts to achieve an amended Agreement with the Nuclear Regulatory Commission to regulate uranium mills and tailings within the State of Utah

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**Rulemaking passed to go to public comment:** At the April 5, 2002 meeting of the Utah Radiation Control Board, the Board unanimously voted to send out a portion of the uranium recovery rulemaking to the Division of Administrative Rules for filing and subsequent 30-day public comment period. The rulemaking consists of changes to R313-17-2(1)(a) [public notice requirements], R313-22-33(e) [specific license requirements], R313-70-7(2)(d)(e)(f) [license categories]. These rules were filed on April 15, 2002 with the Division of Administrative Rules.  
A 30-day comment period will commence on May 1, 2002 and end on May 30, 2002 on this set of rules.

The new R313-24, uranium mills and uranium mill tailings disposal facility requirements, which incorporates the appropriate parts of 10 CFR Part 40 by reference, was filed on April 19, 2002. In determining which parts of 10 CFR Part 40 to adopt, the DRC staff relied on SA-200, a compatibility guidance from the NRC. The staff ensured that all A, B, and C (required adoption) compatibility items were incorporated and reviewed all D (not required adoption) requirements for health and safety to assess if they were adequately covered by the existing Utah rules.

In addition, after further review, it was determined that R313-15-1001 [Standards for Protection Against Radiation, Waste Disposal-General Requirements], R313-19-2 [Requirements of General Applicability to Licensing of Radioactive Material], and R313-22-39 [Specific Licenses - Executive Secretary Action on Applications to Renew or Amend] also needed to be changed.. As a result of the additional rulemaking needs, a special meeting of the Radiation Control Board was held by teleconference on April 23, 2002 and the three additional rule changes were approved for filing. This set of four rules will commence public comment on May 15, 2002 and conclude public comment on June 14, 2002. Following the public comment periods, the Board hopes to take final action at the June 7, 2002 Board meeting on the three rules and the Executive Secretary will propose a special meeting by teleconference to consider the remaining four rules after the public comment period concludes on June 14, 2002.

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**NRC/DRC meet on draft application comments received from NRC:** On March 21, 2001, Paul Lohaus, Director of the Office of State and Tribal Programs for NRC met with the DRC staff to discuss the draft application comments received in late February. Staff from NRC Headquarters and NRC Region IV joined the meeting by teleconference. The meeting centered on the "path forward" to address the comments prior to the submission of the final application packet which is targeted for June 25, 2002.

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**For additional information, contact Bill Sinclair, Division of Radiation Control, (801)-536-4255 or email at [bsinclair@deq.state.ut.us](mailto:bsinclair@deq.state.ut.us)**